REMARKS

Claims 1, 7-9, 11, and 17 have been amended. Claims 2, 6, 10, 12, 16, 20, 22, 23, 25, and 26 have been canceled without prejudice. Claims 27 and 28 have been added. Thus, Claims 1, 3-5, 7-9, 11, 13-15, 17-19, 21, 24, and 27-28 are pending in the present application.

Drawings

The Examiner objected to the drawings for failing to include some reference sign(s). Applicants herewith submit amended drawings according to the Examiner's suggestions.

Abstract

The Examiner objected to the abstract for including a fragmented sentence. Applicants amended the abstract accordingly.

Claim objections

The Examiner objected to certain claims for improper dependency and informalities. The respective claims have either been canceled or amended according to the Examiner's suggestions.

35 U.S.C. §102 rejection:

Claims 6-9, 16-19, 22, and 25 have been rejected under 35 U.S.C. §102(b) as being anticipated by Grossman. Applicant canceled independent claims 6 and 16 and dependent claims 22 and 25. The remaining claims have been amended and are now dependent from either independent claim 1 or 11. Thus, Applicants believe that the grounds for rejection are now mood.

35 U.S.C. §103 rejection:

Claims 1-5, 11-15, 21, and 24 have been rejected under 35 USC §103(a) as being unpatentable over Grossman in combination with Porterfield. Applicants amended all independent claims to more clearly define the present invention. Thus, Applicants respectfully disagree. The present application is directed to automation systems, in particular to systems consisting of an engineering system to develop a control program and a runtime system to actually run the respective control program. Thus, specific needs and problems arise with systems designed in such a way. All independent claims now include these specific limitations.

None of the prior art discloses such a system. In particular, all cited prior art discloses typical high level program languages, for example, used with personal computers. Thus, for example, an intermediate code is typically not machine independent but rather a machine dependent assembler code which then is transferred into object code that runs on the respective machine. Moreover, the structure of an automation system as claimed consisting of an engineering system and a runtime system is neither disclosed in Grossman nor in Porterfield.
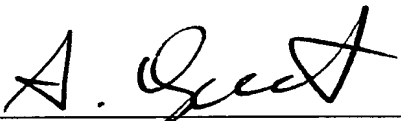
The dependent claims include all the limitations of the respective independent claims and, thus, are allowable at least to the extent of these claims.

CONCLUSION

The application as defined in the pending claims is patentable. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 50-2148, *(formerly Baker & Botts, L.L.P.,)* Order Number 071308.0257.

Date: May 10, 2005

By:_____
Andreas H. Grubert
(Limited recognition 37 C.F.R. §10.9)

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